

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Andre Kramer *et al.*

Application No.: 10/709,806

Filed: May 28, 2004

For: A SYSTEM AND METHOD OF EXPLOITING THE SECURITY OF A SECURE COMMUNICATION CHANNEL TO SECURE A NON-SECURE COMMUNICATION CHANNEL

Attorney Docket No.: CXT-057CN

Confirmation No.: 3805

Art Unit: 2131

Examiner: Not Yet Assigned

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 465007750 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 10, 2004

Signature: Christopher J. McKenna (Christopher J. McKenna)

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted mailed September 10, 2004, Applicants respectfully submit herewith a copy of the declaration from the parent application to this application, and the Part 2 Copy of the Notice. Applicants also submit a Supplemental Application Data Sheet and a copy of the Filing Receipt with corrections noted thereon.

In the Notice, the Office indicates that the declaration filed with this application does not identify each inventor by full name, including the family name and at least one given name without abbreviation. The instant application is a continuation of the prior application number 09/706,117 filed on November 3, 2000 (Attorney Docket No. CXT-057). In accordance with 37 CFR §1.63(d) (1), a newly executed declaration is not required under §1.51(b) (2) and §1.53(f) in a continuation application provided that the prior application contains a declaration as prescribed by §1.63(a) through (c), and a copy of the executed declaration filed in the prior application is submitted showing the signature or an indication thereon that it was signed.

Applicants submit that the prior application of 09/706,117 contains a declaration as prescribed by §1.63(a) through (c). As such, the declaration for the prior application identifies each inventor by full name, including the family name and at least one given name without abbreviation, as prescribed by §1.63(a) through (c). The instant application was filed by the same inventors named in the prior application. Applicants filed, and submit herewith, a copy of the declaration from the prior application showing the signatures of all the named inventors. Therefore, Applicants contend that the copy of the declaration submitted herewith meets the requirements for a declaration as prescribed under §1.63. Accordingly, Applicants respectfully request the Patent Office to accept the submitted copy of the declaration in order to complete this application.

Applicants also request a correction to one of the named Applicants on the Filing Receipt as noted by the correction to the copy of the Filing Receipt submitted herewith. Accordingly, Applicants respectfully request the Patent Office to generate another Filing Receipt incorporating the noted correction.

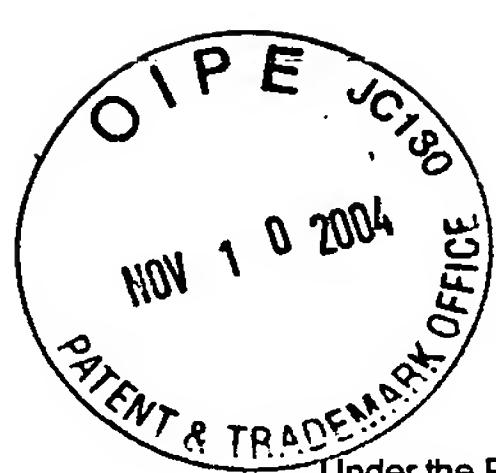
Please charge our Deposit Account No. 12-0080 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.16(e). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. CXT-057CN. Applicants hereby request any extensions of time necessary to respond.

Dated: November 10, 2004

Respectfully submitted,

By Christopher J. McKenna
Christopher J. McKenna
Registration No.: 53,302
Attorney for Applicants

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/709806-Conf. #3805
		Filing Date	May 28, 2004
		First Named Inventor	Andre KRAMER
		Art Unit	2131
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	CXT-057CN

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Marked up version of Filing Receipt (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Supplemental ADS (2 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	Declaration (3 pages)
<input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	Return Receipt Postcard
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

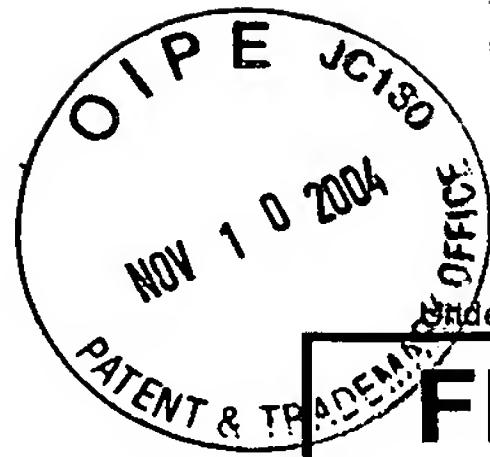
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Christopher J. McKenna		
Date	November 10, 2004	Reg. No.	53,302

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Dated: November 10, 2004

Signature: (Christopher J. McKenna)



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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
130.00

Complete if Known	
Application Number	10/709806-Conf. #3805
Filing Date	May 28, 2004
First Named Inventor	Andre KRAMER
Examiner Name	Not Yet Assigned
Art Unit	2131
Attorney Docket No.	CXT-057CN

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)										
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None	3. ADDITIONAL FEES									
<input checked="" type="checkbox"/> Deposit Account:				<table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> </tr> </thead> <tbody> <tr> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Description</td> <td>Fee Paid</td> </tr> </tbody> </table>			Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
Large Entity	Small Entity													
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid									
Deposit Account Number				12-0080	1051	130	2051	65	Surcharge - late filing fee or oath	130.00				
Deposit Account Name				Lahive & Cockfield, LLP	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.					
The Director is authorized to: (check all that apply)					1053	130	1053	130	Non-English specification					
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments					1812	2,520	1812	2,520	For filing a request for ex parte reexamination					
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)					1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action					
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.					1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action					
					1251	110	2251	55	Extension for reply within first month					
					1252	430	2252	215	Extension for reply within second month					
					1253	980	2253	490	Extension for reply within third month					
					1254	1,530	2254	765	Extension for reply within fourth month					
					1255	2,080	2255	1,040	Extension for reply within fifth month					
					1401	340	2401	170	Notice of Appeal					
					1402	340	2402	170	Filing a brief in support of an appeal					
					1403	300	2403	150	Request for oral hearing					
					1451	1,510	1451	1,510	Petition to institute a public use proceeding					
					1452	110	2452	55	Petition to revive - unavoidable					
					1453	1,370	2453	685	Petition to revive - unintentional					
					1501	1,370	2501	685	Utility issue fee (or reissue)					
					1502	490	2502	245	Design issue fee					
					1503	660	2503	330	Plant issue fee					
					1460	130	1460	130	Petitions to the Commissioner					
					1807	50	1807	50	Processing fee under 37 CFR 1.17(q)					
					1806	180	1806	180	Submission of Information Disclosure Stmt					
					8021	40	8021	40	Recording each patent assignment per property (times number of properties)					
					1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))					
					1810	790	2810	395	For each additional invention to be examined (37CFR 1.129(b))					
					1801	790	2801	395	Request for Continued Examination (RCE)					
					1802	900	1802	900	Request for expedited examination of a design application					
					Other fee (specify)									
					*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$) 130.00					
<small>**or number previously paid, if greater; For Reissues, see above</small>														
								(Complete if applicable)						
Name (Print/Type)	Christopher J. McKenna			Registration No. (Attorney/Agent)	53,302	Telephone	(617) 227-7400							
Signature	<i>Christopher J. McKenna</i>			Date	November 10, 2004									

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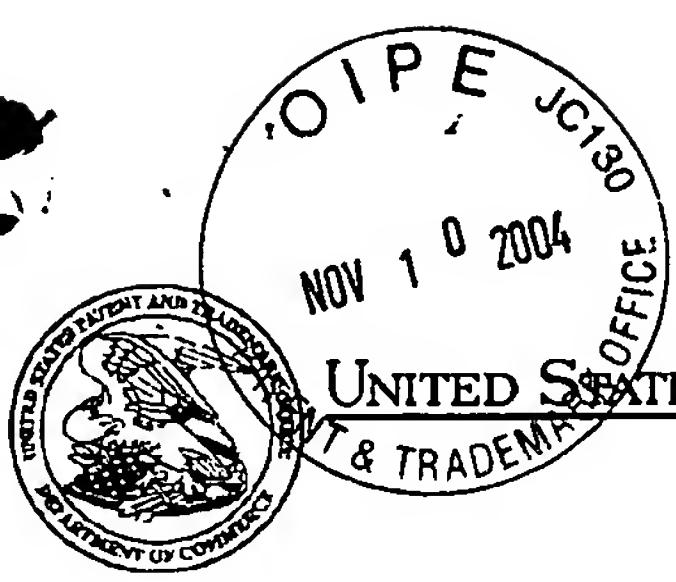
Dated: November 10, 2004

Signature

Christopher J. McKenna

(Christopher J. McKenna)

IFW



11-12-04

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/709,806	05/28/2004	Andre KRAMER	CXT-057CN

CONFIRMATION NO. 3805

00959
 LAHIVE & COCKFIELD, LLP.
 28 STATE STREET
 BOSTON, MA 02109

FORMALITIES LETTER



OC00000013781321

Date Mailed: 09/10/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The oath or declaration does not identify each inventor by full name, including the family name and at least one given name without abbreviation.

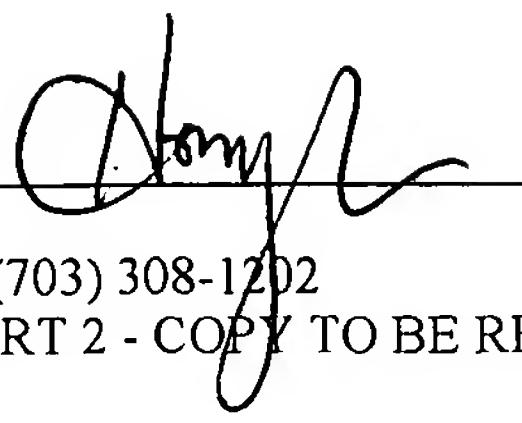
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE